

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

DAYEMI ORGANIZATION, INC. d/b/a
Longbranch Café and Bakery,
an Illinois Corporation, and
ELAINE RAMSEYER GREENBERG, an
Individual,

Defendants.

Case No. 21-cv-56-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Plaintiff Martin J. Walsh, Secretary of Labor, U.S. Department of Labor (the “Secretary”) filed suit on behalf of 32 current and former employees against Defendants Dayemi Organization, Inc. d/b/a Longbranch Café and Bakery and Elaine Ramseyer Greenberg (“Longbranch”), alleging violations of the Fair Labor Standards Act, as amended 29 U.S.C. § 201 *et seq* (“FLSA”). On June 24, 2022, the Court granted in part and denied in part the Secretary’s Motion for Summary Judgment (Doc. 51).

Now pending before the Court is the Secretary's Motion for Clarification (Doc. 58). The Secretary seeks to clarify two issues: (1) whether the Court awarded back wages as a result of Longbranch's overtime violations for servers and baristas and (2) whether the Court's award of liquidated damages for overtime violations include the violations related to barista manager Wilbur Davis. Longbranch has not filed a response.

The Court found as a matter of law that Longbranch violated the FLSA's overtime

provision. The Secretary calculated that Longbranch owes \$126.01 to five servers and baristas who worked more than 40 hours during some workweeks of the investigation period. The calculations are undisputed. Accordingly, the Court finds as a matter of law that Longbranch owes \$126.01 for the overtime violations.

An employer who is liable for unpaid overtime is also liable under FLSA for an additional equal amount as liquidated damages. The Court granted the Secretary's request for liquidated damages as to the overtime claim and further finds that the Secretary's request for liquidated damages is granted as to the overtime claim of barista manager Wilbur Davis.

IT IS SO ORDERED.

DATED: July 11, 2022

The image shows a handwritten signature in black ink, which appears to read "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is written around the top half of the seal, and "SOUTHERN DISTRICT OF NEW YORK" is written around the bottom half.

STACI M. YANDLE
United States District Judge